

2014 NCDOT/Contractor Joint Training Workshop Contract Administration Breakout

Project Payments - Prompt Pay

- Subarticle 109-4(B)
 - Time Frame: 7 Days from Receipt of Monies
 - Retainage: May Withhold 3% if Subcontractor Does Not Obtain a Payment & Performance Bond

Project Payments - Prompt Pay

Complaint Process

- Complaint should be in writing
- Certified Letter to Prime notifying of complaint with request for explanation/resolution details
- Resolution

Non-compliance

- Withholding of money due the Contractor
- Removal from the Prequalified Bidders List or removal of other entities from the approved subcontractors' list.

Disadvantaged Business Enterprise(DBE) Provision Changes

- Submit <u>All</u> DBEs at Bid Time(Committed and Additional DBE Subcontractors)
- Contract Goal Requirement
- Letters of Intent Required to Meet Goal for the Committed DBE Subcontractors

Additional DBE Subcontractors

fletting of 01/27/2014 NCDOT Sid Download, Report to Bid Amount osera Sto. n. Tero 14084 ull Urder 927 (Procesal ID 6283482) TEST OF MBE PARTECEDANTS VENDOR DBE VANE CODE TYPE 6 WORK VEMBER ADDNIES 12392 HAMILTON RAULING ELG 75,617.70 Cornmitted MB 12 BARCLAY RD. , CANDLER, NO 28/15 TOTAL: \$76,617.76 Vertex - 144121, 81/21/14 Call Orser 927 (Proposal 10 0200402) TIME OF MRE PARTICIPANTS VENUOR DBE VARE CODE TYPE OF WORK TYPE ANOUNT NUMBER ADDRESS 10129 CONCRETE SPECIALLY CONTRACTORS SU0 35,479,80 Not Cornmitted 18182 OR YRIGHS , DOES XDB BOTTO FROM ANK 5762 WE JUS COMPANY 116 Sub 153, 675, 98 Committed P.O. DUX 1265 / SKYLAND, NC 28776 3494 N/A HERITASE GRADENS & HAVING, UNC. 47,764,58 Not Committee POST OFFICE BOX 1976 / DURNSVILLE, NO. 28734 3788 N/A STAY ALERT GAFETY SERVICES INC. 4,926,24 Not Committed POST OFFICE BOX 467 , KERNERSWILLE, NO 27286-6339 M/A NEW DIMENSIONS IN PAYEMENT PARK 184,926,44 Not Committed Still) PURC BOX 9928 , ASHEVILLE, MG 25815 TOTAL: \$159,875.99 Months and Information for Call Bay, Conting Liagibi, 82/21/14 Call Order G27 (Propress' 10 0288382) Miscelzeneous Data Enfo - Contractor Responses: _______ SUN-GOLLUSION AND DEBARHENE 5.48(1) ICATION Explanation of the prospective bidder that is souble to cordify to any of the storements in this certification; Explanation: NOT ANSWERED NOT ANSWERED NOT ANSWERED MITT ANSWERED WHARD LIMITS ON MULTUPLE PROJECTS By above ing YeS to this statement, the bloder appropriate that they are union

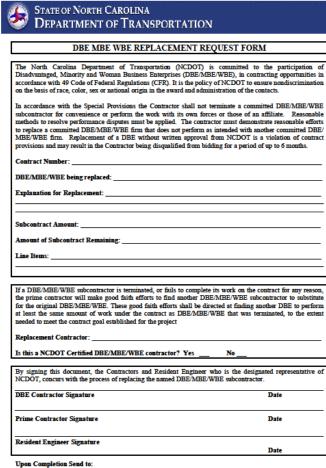
DBE Replacement of DBE Subcontractors

- DBE subcontractor can be replaced for performance related or decertification reasons
- Good Faith Effort / Additional DBE
- Submit a DBE/MBE/WBE Replacement Request Form(RF-4)to RE

https://connect.ncdot.gov/projects/construction/Pages/default.aspx

DBE Replacement of DBE Subcontractors

- This should not be the first notification to the DBE.
- Must have Documentation
- Must give DBE being replaced the opportunity to sign the replacement form



Division Engineer
State Construction Engineer
State Contractor Utilization Engineer
Business Opportunity and Workforce Development

DBE Reporting

DBE Payment Tracking System

- HiCAMS Projects
- Prime Contractor responsible for entering all payments https://apps.dot.state.nc.us/Vendor/PaymentTracking/

DBE Subcontractor Payment Information Form DBE-IS

- Non-HiCAMs Purchase Order Contracts
- Submit with Invoice http://www.ncdot.org/doh/forms/files/DBE-IS.xls

DBE Compliance Review

- Review performed by NCDOT
- Review determines compliance with DBE Provisions
- Review submitted to Division Engineer

DBE Compliance Non-Compliance Procedures

- Resident Engineer will send certified letter to the Prime Contractor requiring a response to the report findings within 7 days of receipt.
- Upon receipt of Contractor's response, Construction Unit works with Resident Engineer to develop an action plan and meet with Contractor to discuss the action plan.
- If necessary, Prime must make changes to DBE Payment Tracking System. Resident Engineer must confirm system changes.
- Resident Engineer must document final outcome for inclusion in the project file and the results should be attached to the final DBE participation form.

Commercially Useful Function

 A DBE firm is considered to perform a commercially useful function when it is responsible for the execution of a distinct element of the work of a contract and carrying out its responsibilities by actually managing, performing, and supervising the work involved.

Subcontracting Subcontract Approval Form

- New Form to Eliminate Multiple Forms
- Construction Unit Webpage
- Ensure the SAF is completed properly
- Subcontractor should not begin work prior to the SAF being approved

https://connect.ncdot.gov/projects/construction/Pages/Construction-Resources.aspx

Subcontracting Subcontractor Approval Form

"Portion" of an Item:

- The subcontractor performs all work associated with the item, but for a portion of the contract quantity.
- The physical limits of the sublet quantity shall be identified.
- Subcontract price shall be same as contract unit price.

Example:

Grading from Station 225+00-L- to Station 989+59 -L- (end of project)

Subcontracting Subcontractor Approval Form

"Partial" of an Item:

- The subcontractor performs only part of the work associated with the line item.
- Identify the part of the work to be performed by subcontractor.
- The subcontract unit price may be less than the contract unit price.

Example:

Trucking Subcontractor will haul asphalt for asphalt paving.

Certified Payrolls

- Requirement of FHWA 1273
- Site of Work
 - Project limits
 - Location dedicated only for the project (i.e. borrow/waste pits)
- Payroll Exemptions
 - Truck drivers, including those employed by the contractor, who come on the "site of work" to deliver or pick up construction materials.
 - Project engineers, surveyors, quality control or quality assurance inspectors and contract compliance inspectors are not usually considered to be laborers or mechanics.
 - Projects on a non-NHS route.

Certified Payrolls

- Weekly Payrolls Consecutive from the Date Construction Begins thru the Acceptance Date
- Payrolls are reviewed for proper classification of employees, pay rates meet or exceed the minimum prevailing rates.
- Must contain the Statement of Compliance in accordance with the FHWA 1273.

NC Highway General Wage Decisions

- Current General Wage Decisions were published September 30, 2011 by the USDOL.
- 13 Total Wage Decisions
 - with Rates on a per County Basis for Some Classifications
 - Contain Fewer Classifications than Previous Decisions
- Review Classifications at the Preconstruction Conferences. Check to see if additional classifications are needed to complete the scope of work for the project.

Requesting Additional Classifications

- Contractor completes USDOL form SF-1444 with the proposed classification(s), rate(s) and fringe benefit rate(s), if applicable. The completed form is submitted to the RE for review.
- The Resident Engineer reviews the information on the form and forwards the information to the State Construction Engineer.
- The SCE reviews the requested classifications and rates, completes the form and emails the form to the USDOL Wage and Hour Division for their approval.
- Proposed rates should be comparable to the rates listed in the contract wage decision for similar skill level classifications.

Form SF-1444

Posted on the Construction Unit's webpage:

https://connect.ncdot.gov/projects/construction/Pages/Construction-

Resources.aspx

 Allow 30 days for the USDOL to review.

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	ST FOR AUTHORIZATIO AL CLASSIFICATION AN			SER	PROPRIATE BOX VICE CONTRACT VSTRUCTION CONTRA	Ex	MB No.: pires:	9000-0089 04/30/2005
instructions, searching e Send comments regardi to the FAR Secretariat (or this collection of information is xisting data sources, gathering ar ng this burden estimate or any ot MVP), Office of Acquisition Polici -0089), Washington, DC 20503.	s estimated nd maintaini her aspect o y, GSA, Wa	to average ng the data of this colle shington, (15 minus needed, ection of DC 2040	tes per response, in , and completing and information, includir 5; and to the Office	cluding the d reviewing ig suggesti of Manage	time for the colle ons for re ment and	reviewing ction of information ducing this burden, Budget, Paperwork
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3. CONTRACTOR			•			4. DATE (OF REQUES	ST
5. CONTRACT NUMBER	6. DATE BID OPENED (SEALED BIDDING)	7. DATE OF	AWARD		B. DATE CONTRACT STARTED	WORK		PTION EXERCISED (IF IBLE) (SCA ONLY)
10. SUBCONTRACTOR (IF.	ANY)							
11. PROJECT AND DESCRI	PTION OF WORK (ATTACH ADDITIO	NAL SHEET I	F NEEDED)					
12. LOCATION (CITY, COL	NTY AND STATE)							
13. IN ORDER TO COMPLE INDICATED CLASSIFIC	TE THE WORK PROVIDED FOR UNDE ATION(S) NOT INCLUDED IN THE DE	R THE ABOV	E CONTRAC F LABOR DE	T, IT IS N ETERMINA	ECESSARY TO ESTAB	USH THE FO	OLLOWING	RATE(S) FOR THE
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16. SIGNATURE OF EMPLO	YEE OR REPRESENTATIVE		TITLE		0	ECK APPROP	REATE BOX-	REFERENCING BLOCK 13.
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ODENNO IS EDITION IS LISA	ar E		_		S	ANDARD	FORM 1	444 (REV 12.2001)

The Future of Certified Payrolls

- NCDOT is in the early stages of developing a system where the contractors enter their certified payrolls electronically.
- Implementation planned for 2015.

Material Prepayments

- Allowed Under Article 109-5 of the Specifications.
- Required Documents
 - Written Consent of Surety to make the partial payment
 - Bill of Sale from the Contractor to the Department
 - Copy of the invoice from the material supplier verifying the cost of the material.
- Make sure as materials are incorporated into the work that deductions are made from the Material Prepayment Line Item. If not done, this could result in a large overpayment to the contractor.

Active Claims

- Procedures
- Notice of Intent
- Contractor Claim Submittal Form
- Claim Decision

Final Claim

- Submitted directly to the State Construction Engineer
- Part of the Final Estimate Process

Contractor Claim Submittal Form

https://connect.ncdot.gov/projects/construction/Pages/Construction-

Resources.aspx

North Carolina	Department of Transportation					
(4) (4) (4) (4) (4) (4) (4) (4)	ctor Claim Submittal Form					
Contract No.:	Division:					
	County:					
Project No.:	Contractor:					
Date:	Resident Engineer:					
The Request is for: An Extension in Contract Time: An Extension in Intermediate Contr Additional Compensation Amoun	nount:Days act Time No For: Days					
Complete the requested project information						
 Complete the applicable specification section(s) on pages 2-4. For contract time extension requests, complete the applicable section on page 2. For requests for additional compensation, complete the applicable section(s) on pages 3-4. Attach supporting documentation (i.e. cost records, weekly records, supporting data and information). Complete the certification section on page 1. Note: The Contractor's Authorized Representative should be someone who has the authority to sign supplemental agreements for the Contractor. Forward the original form and supporting information to the Resident Engineer if the claim is an active claim. If the claim is a final claim, forward the original form and supporting information to the State Construction Engineer. 						
Contractor's Certification I hereby certify that the information contained herein is submitted in accordance with the Standard Specifications and is true and accurate.						
Signature	Title					
(Print or Type Signer's Name)	Date					
Comments						
Form CCSF (9-28-07)	Page 1 of 4					

Verified Claims

- Article 107-24 of The Standard Specifications
- Submitted to the Chief Engineer
- Must be submitted with 60 days from the time the Contractor receives the Final Statement

Final Estimate Process

- Final Estimate Assembly
- Notification of Final Quantities
- Construction Unit Review
- DBE Payment Verification
- Required Documents
 - Affidavit
 - Consent of Surety
 - Final Claim Letter
- Final Statement

Closeout Conference

- Notification of Final Quantities
- Notify and Review All Issues Prior to Conference
- Any Additional Compensation or Contract Time must be Referenced by Specification
- Construction Unit Personnel and Approved Contractor Personnel must Sign the Closeout Form
- The Executed Closeout Form Serves as the Final Claim Letter

Supplemental Agreements

- Lump Sum Items
- Contract Time Decision
- Price Documentation
- Authority Levels
- Proper Execution

Status of Final Documents

https://apps.dot.state.nc.us/vendor/projectCloseout/

Contract #	WBS#	County	Contractor Name	Affidavit	Consent	Claim Letter
C202723	46132.3.1	Buncombe	APAC- ATLANTIC, INC. HARRISON CONSTRUCTION DIV	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202073	41867.3.1	New Hanover	B & K COASTAL LLC DBA CAPE FEAR PAVING	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202086	34994.3.2	Cumberland	BARNHILL CONTRACTING COMPANY	RECV'D	RECV'D	NOT RECV'D
C202937	1C.015126	Camden	BARNHILL CONTRACTING COMPANY	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202580	33822.3.1	Wake	BLYTHE CONSTRUCTION, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202777	33548.2.1	Mecklenburg	BLYTHE CONSTRUCTION, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C203265	9CR.10291.131	Davidson	BLYTHE CONSTRUCTION, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C203066	7CR.20681.27	Orange	CAROLINA SUNROCK LLC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C203189	7CR.10011.36	Alamance	CAROLINA SUNROCK LLC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202127	38590.3.1	Surry	DLB, INC DBA DLB INC (OF VA)	RECV'D	NOT RECV'D	RECV'D
C202613	45158.3.ST5	Durham	FSC II LLC DBA FRED SMITH COMPANY	RECV'D	RECV'D	NOT RECV'D
C200264	35028.2.1	Wake	GEORGIA ELECTRIC CO.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202179	40995.3.1	Cumberland	HIGHLAND PAVING CO., LLC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202402	38927.3.1	Lenoir	HINKLE CONTRACTING COMPANY LLC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202719	12CR.10491.10	Iredell	J. T. RUSSELL & SONS, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202705	6CR.10261.70	Cumberland	JOHNSON BROS. UTILITY & PAVING COMPANY, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202791	45438.3.10	Gaston	KLICOS PAINTING COMPANY, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202899	45438.3.13	Haywood	KLICOS PAINTING COMPANY, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C203065	17BP.1.P.14	Dare	LANFORD BROTHERS CO., INC.	NOT RECV'D	RECV'D	RECV'D
C202874	47065.3.1	Brunswick	MARINE CONTRACTING CORP.	NOT RECV'D	NOT RECV'D	RECV'D
C201242	34510.2.2	Burke	MAYMEAD, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202782	33272.3.1	Caldwell	MAYMEAD, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202902	13CR.11001.10	Yancey	MAYMEAD, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C203165	12CR.10491.14	Iredell	MAYMEAD, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202917	47066.3.2	Mitchell	NHM CONSTRUCTORS, LLC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202971	17BP.14.P.3	Henderson	NHM CONSTRUCTORS, LLC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202795	8CR.20631.17	Moore	RILEY PAVING INC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C203119	8.106211	Montgomery	RILEY PAVING INC	NOT RECV'D	NOT RECV'D	RECV'D
C202903	13CR.10571.9	Madison	ROGERS GROUP, INC.	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202096	34430.3.ST1	Camden	RPC CONTRACTING INC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C202932	1C.028036	Dare	RPC CONTRACTING INC	NOT RECV'D	NOT RECV'D	NOT RECV'D
C201447	34572.3.2	Brunswick	S. T. WOOTEN CORPORATION	NOT RECV'D	NOT RECV'D	NOT RECV'D

Questions?

